



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,077	10/25/2000	PHILIP NEIL GARNER	1263.1881	1606
5514	7590	11/28/2005		
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
			EXAMINER LERNER, MARTIN	
			ART UNIT 2654	PAPER NUMBER

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
--------------------------------	-------------	---------------------------------------------------	---------------------

EXAMINER
----------

ART UNIT	PAPER
----------	-------

112105

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

### **SUSPENSION DENIED**

Applicants' request, filed 11 October 2005, for suspension of action in this application under 37 CFR 1.103(c) is denied as being improper.

Applicants' Request for Continued Examination is not accompanied by a submission. MPEP 709 I.B.1. states: "The Office will not grant the requested suspension of action unless . . . (A) (1) if the request is filed with an RCE, the RCE must be in compliance with 37 CFR 1.114, i.e., the RCE must be accompanied by a submission . . ." Furthermore, MPEP 709 I.B.2. states: "If the CPA or RCE is improper . . . the Office will not recognize the request for suspension, and action by the Office will not be suspended. A notice of improper CPA or RCE will be sent to applicant as appropriate."

Here, Applicants have provided a submission by a Response to Final Rejection filed 22 July 2005, but have failed to indicate that any previously submitted reply should be considered by checking the appropriate box on Form PTO/SB/30 of the Request for Continued Examination filed 11 October 2005.

Since the Request for Continued Examination appears to be a *bona fide* attempt to provide a complete reply to the prior Office Action, Applicants are given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period for reply supersedes the time period set in the prior Office Action. This time period may be extended pursuant to 37 CFR 1.136(a).

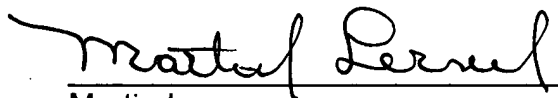
Art Unit: 2654

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML  
11/21/05

  
Martin Lerner  
Examiner  
Group Art Unit 2654